

**ALPHA**

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Alpha Information Services, Inc. / 1720 E. University Ave. / Oxford, MS 38655 / (601) 234-4224

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May 25, 1992

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Donna R. Searcy, Office of the Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

RE: Formal filing of Comments regarding Proposed Rulemaking in  
the Matter of The Telephone Consumer Protection Act of 1991

Dear Ms. Searcy:

Our company uses auto dialing as a means of increasing public awareness of our public services. We provide Time, Temperature and Weather Announcement services in many cities. When establishing service in a city that has not had such service in the past, we have found that the most efficient way to make the public aware of the new service is by automated phone calls. Our brief (twenty seconds) telephone call simply lets the listener know that there is a free service available to him or her and provides the number they need to reach the service. The listener is not solicited nor does he hear any advertisement of services or products. All calls to our services are free to the caller. Such services are sponsored by local businesses that are mentioned when the free information is delivered.

With our particular use of autodialing in mind, I would like to formally comment on several items in the proposed rulemaking.

Concerning Section III C, paragraph 9, *Exceptions to Prohibited Uses of Auto Dialers*, I fully support the exception of (i) calls that are not made for a commercial purpose. If section (i) were to be more fully defined, I propose that it include the exception of "calls which provide a public service and which have a duration of not longer than thirty seconds. Public service calls shall be defined as calls which provide information of a generally useful nature, which do not offer any goods or services for sale, do not convey information regarding any goods or services for the purpose of soliciting the sale or purchase thereof, and do not solicit information or gather data." With the limitations of this exception so defined, the public would be protected from abuse of the exception.

Concerning Section III C, paragraphs 10 & 11, *Non-Commercial Calls and Commercial calls that do not transmit an advertisement*, I support these exceptions as well. Since the nature of the information in such calls is typically in the

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interest of the listener, the call would be generally welcomed. And, concerning the cost efficiency of a brief telephone call versus other available means of contacting the public, whether at large, or in specific groups, to restrict all such calls would not be in the best interest of the public.

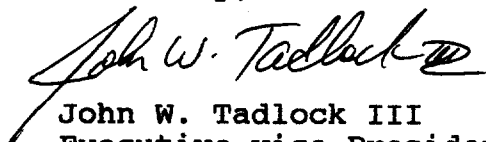
Concerning Section III D, paragraph 19. Although I agree that calls to any of the listed prohibitions in items i, ii, and iii are useful and in the public interest, further prohibitions should be subject to the same exceptions as residential calls. Since, by technical rule, all automated calls can be discontinued in five seconds by simply hanging up, the best interest of listeners to automated calls on business lines can also be served. With regard to public service messages like those described previously, some of which will prove useful to the business itself, only those restrictions that are in place for residences should apply to businesses as well. Except for concerns of health and safety and restricting the seizure of multi-party lines, no further restrictions need apply to automated calls to businesses. If the commission feels that further restrictions should apply, then exceptions such similar to those for residences should also be allowed.

Concerning Section III F, part 2, *Regulatory Alternatives Available to Restrict Telephone Solicitation*, in general I note the need to always have available a list limited to the prohibited business telephone numbers as defined by Section III, paragraph 19. Such lists are now typically available from local telephone carriers for little or no charge. The restricted numbers should remain available from the carrier as a low cost means for callers to comply with the TCPA prohibitions. If a database or other means of storage and retrieval were to be implemented listing non-solicitable numbers on a local basis, the fee to access such a database should not apply to **exempted callers** who never-the-less must have access to those telephone numbers prohibited under paragraph 19, for the non-solicitable numbers will not apply to such a caller.

Further, the pricing of requests from either a local, state or national database should be based upon the actual cost of maintaining and delivering such a database, and should in now way be structured to discourage the legitimate use of autodialing as a means of marketing.

These are all the comments that I would like to make at this time. Should you need to contact me, you may do so at the letterhead address or telephone number.

Sincerely,

A handwritten signature in dark ink, appearing to read "John W. Tadlock III", with a stylized flourish at the end.

John W. Tadlock III  
Executive vice President